

Docket No.: 247863US8

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Masafumi MASUDA, et al.      ALLOWED: December 29, 2009

SERIAL NUMBER: 10/758,227      GROUP: 2617

FILED: January 16, 2004      EXAMINER: HUYNH, NAM TRUNG

FOR: RADIO CONTROL DEVICE AND METHOD OF SELECTING SPREAD CODE

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

MAIL STOP ISSUE FEE  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

Applicants acknowledge with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowance of December 29, 2009, Applicants respectfully submit the following comments.

In the Examiner's Statement of Reasons for Allowance on pages 2-4 of the Notice of Allowance mailed December 29, 2009, paragraph 3 states in part:

With respect to independent claim 17, the novelty of the invention lies in the combination of components that define the structure of the radio control device and their associated functions for selecting an unused channelization code for a mobile station. The subject matter of the claim recites that the radio control device comprises a first channelization code selection unit that controls selection of a scrambling code of a first frequency and a second channelization code selection unit that controls selection of a scrambling code of a second frequency. These code selection units are controlled by a control unit that instructs the first code selection unit to use a primary scrambling code of the first frequency to look for an unused channelization code. If it is determined that there is no unused channelization code for the primary scrambling code for the first frequency, then the control unit instructs the second channelization code selection unit to use a primary scrambling code of the second frequency to look for an unused channelization code. If it is determined that there is no unused channelization code for the primary scrambling code for the second frequency, then the control unit instructs the first channelization code selection unit to use a secondary scrambling code of the first frequency to look for an unused

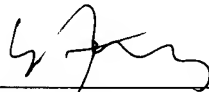
channelization code. This particular structure and trial method is neither taught nor suggested by the prior art.

Accordingly, independent claim 17 and independent claim 21 which recites similar subject matter are allowable for these reasons and the reasons set forth in Applicant's response filed on 9/15/09.

Although the above comment seems to be directed to independent Claim 17, it is respectfully submitted that independent Claim 21 does not include all of the elements recited above. For example, Claim 21 recites "code selection means," "mobile station means," and "control means" and not a "code selection unit," a "mobile station" and a "control unit," respectively. Accordingly, it is respectfully submitted that the above quoted statement applies only to independent Claim 17 (and claims dependent therefrom), and not to independent Claim 21 (and claims dependent therefrom), to the extent the language used in the statement differs from the language of the claims.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



---

Bradley D. Lytle  
Registration No. 40,073

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 07/09)

Craig R. Feinberg  
Registration No. 62,116